

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

LUTHER E. CHRONISTER

PLAINTIFF

v.

CIVIL NO. 07-5072

MICHAEL J. ASTRUE, Commissioner
Social Security Administration

DEFENDANT

MEMORANDUM OPINION

Plaintiff Luther E. Chronister filed this action on April 20, 2007, seeking judicial review of a decision of the Commissioner of Social Security (Commissioner) pursuant to 42 U.S.C. § 405(g). (Doc. # 1). Instead of answering the complaint, on June 22, 2007, defendant filed a motion requesting plaintiff's case be remanded for further administrative action pursuant to sentence six of 42 U.S.C. § 405(g). (Doc. # 5). Defendant states in his motion, that the Appeals Council seeks voluntary remand of this case to search for the ALJ decision dated August 11, 2006, and tape recording of the hearing held on June 8, 2006. The defendant states that reconstruction of the administrative record will commence, if plaintiff's claim file and tape cannot be obtained.

Pursuant to sentence six of 42 U.S.C. § 405(g), a district court may remand a social security case when the Commissioner, for good cause, requests remand to take further administrative action before filing an answer to the complaint. 42 U.S.C. §405(g); *Shalala v. Schaefer*, 509 U.S. 292, 113 S.Ct. 2625 (1993). In the present case, an answer has not been filed and we find good cause exists to support defendant's request for remand.

Based on the foregoing, we hereby grant defendant's motion and remand this case to the Commissioner for further administrative action pursuant to sentence six of 42 U.S.C. § 405(g)

DATED this 3rd day of July 2007.

/s/ *J. Marschewski*

HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE